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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:17-cv-00732-RCJ-CSD

Order

Re: ECF Nos. 149, 150

VICTORIANO LOPEZ,

Plaintiff

v.

STATE OF NEVADA, et al.,

Defendants

First, Plaintiff's motion to certify a class action under Federal Rule of Civil Procedure 23 (ECF No. 149) is **DENIED**. Plaintiff is proceeding with a single claim of deliberate indifference to a serious medical need under the Eighth Amendment based on alleged denial of recommended cataract treatment. There are no allegations in the amended complaint that would result in the court finding a basis to proceed with a class action. Moreover, this action is beyond the dispositive motions stage and is set for a settlement conference to see if the parties may be able to resolve the matter before proceeding to trial.

Second, Plaintiff's motion to certify a question of constitutionality of state law (ECF No. 150) is also **DENIED**. Plaintiff is not proceeding with a state law claim, but only a single claim under the Eighth Amendment of the United States Constitution.

IT IS SO ORDERED.

Dated: March 14, 2023


Craig S. Denney
United States Magistrate Judge